

# Timber: Up to 150 local taxing districts could be eligible to join suit

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Linn County is the lead plaintiff in the lawsuit but its boundaries contain far fewer acres of state forestland than Tillamook, Clatsop and Washington counties, he said.

"If some of the bigger counties opt out, the merits of the case are then suspect," said Smith.

The Clatsop County Board of Commissioners is scheduled to discuss whether to participate in the lawsuit at a meeting Wednesday night.

## 'Half-baked strategy'

John DiLorenzo, the attorney representing Linn County, said the groups within the coalition have nothing to lose with their request, but counties and tax districts will suffer remorse if they opt out.

"It's a half-baked strategy," DiLorenzo said.

The lawsuit simply aims to recoup revenues lost by the counties when the state changed forest policies in 1998 to focus on the environment and recreation instead of maximizing logging, he said.

By making that decision, Oregon breached its contract with counties, which turned over their forestlands in the early 20th century in return for a portion of timber revenues, DiLorenzo said.

Counties and tax districts that exclude themselves from the lawsuit won't impact forest policy because the case is purely about financial damages, he said.

"Opting out is a useless gesture that amounts to turning down money," DiLorenzo said. "They will have a lot of explaining to do the next time they ask voters for more money."

Entities that exit the litigation also won't have any influence if Oregon does decide to enter settlement negotiations, he said. "You have to be at the table to have a judge listen to you."

## Pressure to settle

Smith, of the North Coast State Forest Coalition, countered that counties and other entities that opt out of the case will reduce the state's possible liability and thus the pressure to settle.

"They haven't won the case yet and I'm not at all sure they will," he said.

Opting out also reinforces Oregon's argument that state forests are valuable for multiple purposes, including water quality and



Mateusz Perkowski/Capital Press  
**Fifteen counties and roughly 130 tax districts are being pressured by environmental and fishing groups to opt out of a \$1.4 billion lawsuit that accuses Oregon's government of insufficiently logging state forests.**

recreation, Smith said.

While Tillamook County has decided not to exit the litigation, the coalition still hopes to sway other entities, he said. "We're trying to make the case and our supporters are talking to their (county) commissioners."

Linn County filed the lawsuit earlier this year on behalf of itself and 14 other counties that donated roughly 650,000 acres to the state.

Since then, the complaint has survived the state government's motion to dismiss and has been certified by Linn County Circuit Judge Daniel Murphy as a class action, which means other counties and tax districts are included in the litigation unless they object.

The lawsuit claims Oregon breached its contract with counties in 1998 when it emphasized environmental and recreational goals as the "greatest permanent values" of state forests, rather than maximizing revenues.

Up to 150 local taxing districts that receive timber sales receipts from harvests from the Oregon Forest Trust Lands contract could be eligible to join the suit. That includes schools, libraries, public safety agencies and other districts.

The other counties that benefit from the trust are Benton, Clackamas, Columbia, Coos, Douglas, Josephine, Klamath, Lane, Lincoln, Marion and Polk.

The Capital Bureau is a collaboration between EO Media Group and Pamplin Media Group.

# Balzer: Will not be returning to fire district as an employee

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Balzer, who served as fire chief from January 2012 until he was fired, claimed the fire district's board retaliated against him because of critical comments made by his wife, Colleen, on social media. According to the lawsuit, directors Sharon Clyde, Linda Beck-Sweeney and Garry Smith "chastised" Balzer for "allowing his spouse to express her criticism of board members on social media websites and in her speech."

Balzer alleged that the district and board violated his free association rights, in that Balzer's "intimate association with his wife" is entitled to protection under the First Amendment.

Balzer stated in his complaint that the board's actions led to damages to his reputation and standing in the community. He sought compensation of almost \$678,000 and reinstatement of his duties and benefits.

The three directors named in the lawsuit prevailed in a special recall election in April 2016. After

interim Chiefs Jim Stearns and Frank Swendenborg, Matt Benedict was hired and has served as the fire chief since June.

## Motion to dismiss

Both parties were able to get the case resolved following U.S. District Court depositions in October.

The motion to dismiss the case was submitted by Ronald Downs, representing the fire district and board of directors.

Charges in the case that the directors had violated Balzer's due process and free association rights were not addressed in the court ruling. The decision also did not address claims that the district had muzzled comments of Balzer's wife on Facebook.

Balzer will not be returning to the fire district as an employee, his attorney said.

"That ship has sailed," Snyder said. "I would say that Mr. Balzer is pleased with the resolution. He is pleased that he engaged in this process and that it resulted in a satisfactory outcome for him."

# Dams: Salmon canning projects 'decimated'

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Simon's ruling has renewed a push to remove the dams, seen as an impediment to healthier salmon runs by some and an economic lifeline by others.

## Freeing the Snake

"Since the erection of the Snake River dams, I have witnessed the end of ... commercial canning in Astoria," Dioniscio Y. Abing, a self-described adopted member of the Chinook Nation who worked in the former Bumble Bee Cannery on Pier 39, said during the rally at Suomi Hall.

Abing said the removal of two dams on the Olympic Peninsula's Elwha River showed the benefits, soon to be followed by the removal of several dams on the Klamath River in Oregon and California. He said those opposed to dam removal should look to develop better rail connections to move cargo.

"Astoria is symbolic of the non-native demographic groups that have lost the most in the headlong rush of the federal government into hydro-power development of the Columbia River Basin," said Hobe Kytr of Salmon for All, a local group supporting commercial gillnetters.

Kytr said the previously flourishing salmon canning industry has been decimated by projects like the Grand Coulee Dam, which cut off the upper third of the Columbia from fish passage, and the dams on the Snake River, while commercial fishermen have been unfairly scapegoated.

Dan Serres, the conservation director of environmental group Columbia Riverkeeper, said his group had monitored temperatures in the reservoirs behind each Snake River dam in 2015. "The river temperature steps up with each dam, and it's obvious why," he said.

He and Kytr both pointed to 2015, when nearly all Snake River sockeye salmon counted



Photos by Danny Miller/The Daily Astorian

Interested community members sit on a presentation about dam removal organized by the group Save Our Wild Salmon Monday at Suomi Hall in Astoria.



Astoria resident Patty Larsen looks at information during a public scoping meeting presenting information about dams along the Snake River Monday in Astoria.

at the Bonneville Dam died amid warm water temperatures before they reached Idaho.

## Feeling disenfranchised

Joseph Bogaard, executive director of Save Our Wild Salmon, said part of the reason for the rally before the scoping meeting was the disenfranchising nature of the federal agencies' collection of public comment.

Instead of impassioned public comment in front of a crowd, visitors to the scoping

meeting walked into The Loft at the Red Building filled with posters displaying information about the hydroelectric dam system and scoping process. Staffers from the federal agencies stood by to help answer questions. Public comment was taken one-on-one through a stenographer, or by writing.

Rebecca Weiss, a program coordinator with the Army Corps, said the format of the meeting was meant to allow more of a two-way dialogue between visitors and staffers.

She said the agencies expect about 50,000 public comments from the scoping period, most of them standardized form letters created by various groups and signed by supporters, from as close as Astoria to as far away as Sweden. "They're all weighed the same as far as scoping," she said.

Bogaard argued the format allowed the agencies to control the information being presented — information based on salmon recovery plans that have been struck down by a federal judge.

"It's a dog-and-pony show; that's what it is," Kytr said.

He and other locals took umbrage at only one of the 16 meetings being held on the coast, arguing that salmon migrate out of the Columbia as far as Alaska, affecting much of the coastline.

Sonja Kokos, an environmental compliance officer with the Bureau of Reclamation, said the 16 meetings were sited based on the location of projects and multiple benefits they provide to society. "Those are all on the same playing field, just like the fish," she said.

# Nulph: Decision could take several weeks

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From The Daily Astorian, April 8, 1976:

George William Nulph, a 24-year-old ex-Marine arrested for murder and kidnapping charges Wednesday morning was arraigned on the charges in Clatsop District County Wednesday afternoon. He entered no plea. ...

Nulph was arrested at his residence at 165 S.W. Cedar, Warrenton, accused of abducting 51-year-old Frances Ann Christians April 2 from Silver Point and taking her to a logging road and shooting her.

Ms. Christians died of three gunshot wounds in the chest by a .22-caliber weapon after being sexually assaulted. Police say they haven't determined the motive in the slaying. ...

Nulph was given a life sentence for the crimes that shocked Clatsop County.

"Less than 10 years later, the Department of Corrections gave him a, quote, temporary leave and simply let him out of prison," said Josh Marquis, the Clatsop County district attorney.

## The second case

Weeks after he was let out of prison on a "temporary leave" in 1986, he raped women in Multnomah County. Nulph went to prison in 1987 for the sex crimes and was sentenced as a dangerous offender.

"The reason Measure 11 passed, the reason we developed even moderately tough-on-crime laws in the 1990s was because of cases like Nulph's," Marquis said.

"One could make the argument, I suppose, that the man has done 30 years in prison for the rapes, which was the minimum he was sentenced," Marquis said. "Why not give him a chance, you know, to show that he's, in fact, rehabilitated himself."

## The parole fight

Nulph was sentenced for the sex crimes as a dangerous offender. Judge Stephen Herrrell



Submitted Photo

George Nulph in his 1976 booking photo from Clatsop County.

## ONLINE

George Nulph sentencing appeals — background:  
<http://bit.ly/2iYgCr9>

sentenced him to a minimum of 80 years. After 80 years, he could be considered for parole.

Later that year, the parole board reviewed his sentence, deemed it excessive and reduced it, making him eligible for parole now.

According to court documents, part of Nulph's fight to get a parole hearing is his claim the anti-social personality disorder that made him dangerous is in remission.

Marquis doesn't believe that.

"I can't at this point share the psychological reports, but I can say that they are among the scariest I've ever read and I've handled over two dozen murder cases," he said.

Nulph's good behavior, Marquis said is "because he's in a facility (prison.) It's sort of a Catch-22."

Marquis argues that not only is Nulph still dangerous, he was never held accountable for committing the sex crimes during his murder release "because it (the murder) was lost by the institutional memory of the state of Oregon."

Marquis admitted, though, Nulph was punished for the sex crimes in 1986.

"In fairness, he was punished for the crimes of rape and sodomy by Multnomah County and the judges that had authority over that. And in fairness the

parole board that exists today bears no relationship either to the institution or the people that existed back in the '70s and '80s."

But his concern is based on the law.

"As bizarre as this sounds," Marquis said, "the parole board is obligated to impose the rule of law that existed when he

committed the crime, which is essentially 1976."

If his full sentence had remained in place, he would not have been eligible for parole until around 2062. But now, for the first time, Nulph gets a parole hearing this morning at the Oregon State Correctional Institution in Salem. A decision could take several weeks.



Submitted Photo

Frances Christians, seen in an undated photo, was killed in April 1976 by George Nulph.

## THE DAILY ASTORIAN'S CUTEST BABY CONTEST is Back!

If your baby was born between **January 1st & December 31st, 2016**,

you can submit your newborn's picture either via email at: [CLASSIFIEDS@DAILYASTORIAN.COM](mailto:CLASSIFIEDS@DAILYASTORIAN.COM) or drop by one of our offices in Astoria or Seaside and we can scan in the photo for you.

Deadline to enter is **Wednesday, January 25th at 5pm**. Entries will be printed in The Daily Astorian on January 31st.

\*Human babies only please!

